

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

SUPERIOR COURT DEPARTMENT

ELAINE LAFRATTA, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MEDICAL HEALTHCARE SOLUTIONS,
INC.,

Defendant.

Case No. 2277CV00106
(Lead Case)

Consolidated With:

CHRISTIAN DONNER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MEDICAL HEALTHCARE SOLUTIONS,
INC.,

Defendant.

Case No. 2277CV00108

-and-

EVAN WEISENFELD, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MEDICAL HEALTHCARE SOLUTIONS,
INC.,

Defendant.

Case No. 2277CV00110

**DECLARATION OF DAVID PASTOR IN SUPPORT OF MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, David Pastor, on oath, hereby declare as follows:

1. I am an adult, I have personal knowledge of the facts stated herein, and I am competent to so testify.

2. This Declaration is submitted in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement filed contemporaneously herewith.

3. The complaint in this action was filed on February 3, 2022. The complaint alleged, among other things, that Defendant Medical Healthcare Solutions, Inc. ("MHS") failed to take adequate measures to protect Plaintiff's and Class members' personal identifying information ("PII") and personal health information ("PHI"). Plaintiff's counsel have expended significant efforts in their initial investigation of this matter, researching and preparing the Complaint, and conducting their continued factual investigation of the Data Breach.

4. On September 26, 2022, the Court, after reviewing competing applications, appointed Ben Barnow of Barnow & Associates, P.C. and David Pastor of Pastor Law Office, PC as co-lead counsel for the putative class.

5. Thereafter, the parties engaged in a dialogue and discussed the prospect of early resolution. During those discussions, MHS informed Plaintiff that it had made a demand for contribution on McCormack Consultants, Inc. ("MCI"). As a result of these efforts, the Parties, together with MCI, agreed to attend a mediation.¹

6. In advance of the mediation, the Parties submitted detailed mediation statements to the mediator. Plaintiff also requested informal pre-mediation discovery, and MHS produced

¹ Hereafter, the term "Parties" refers to Plaintiff, MHS and MCI.

discovery to Plaintiff in order to allow for a meaningful evaluation of the claims and to better inform the Parties in preparation for the mediation.

7. On January 17, 2023, the Parties engaged in a full day mediation before an experienced mediator, Brad Honoroff of The Mediation Group. Despite the diligent efforts of each side, the mediation did not result in a settlement. However, the Parties continued to engage in arms-length negotiations, including numerous telephone conferences and email exchanges between and among counsel, until they were able to reach an agreement in principle for a settlement.

8. Thereafter, the Parties negotiated and finalized the details of the Settlement, exchanging drafts of the Settlement Agreement and its exhibits (including the claim form, the forms of class notice, the proposed preliminary approval order and the proposed final order and judgment). Plaintiff's counsel also obtained competitive bids from various experienced Settlement Administrators and thereafter chose Epiq Class Action & Claims Solutions, Inc. ("Epiq") to act as the Settlement Administrator, subject to Court approval. Epiq is an experienced and nationally recognized class action settlement administrator that will provide notice to the Class in accordance with the terms of the Settlement Agreement and as approved by the Court.

9. The Parties finalized the Settlement Agreement and executed it on July 9, 2023.

10. Based on information provided by MHS, the Settlement Class consists of approximately 133,997 individuals.

11. Plaintiff's counsel expended significant efforts in their initial investigation of this matter, including, among other things, researching and preparing the Complaint and conducting their continuing investigation of the Data Breach. Counsel also spent significant time reviewing and analyzing the documents and information produced by MHS as part of the pre-mediation

discovery. As a result of these efforts, Plaintiff's counsel developed a clear understanding of the strengths and weaknesses of the claims and defenses in this case and they were thus well-prepared to evaluate the fairness, reasonableness, and adequacy of the Settlement.

12. The proposed Settlement is, therefore, the result of prolonged, arms-length negotiations, including the full day mediation with an experienced mediator and numerous telephone calls and email exchanges among counsel for the Parties.

13. I have received and am aware of two (2) objections to the Settlement.

14. The Objection of Cyril Stark is attached hereto as **Exhibit A**.

15. The Objection of Robert M. Josephs is attached hereto as **Exhibit B**.

I hereby certify that the foregoing is true and correct. Executed at Boston, Massachusetts on January 25, 2024.

/s/ David Pastor
David Pastor